7. (Four Times Amended) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising administering to a warm-blooded animal in an amount effective to elicit or enhance said response a nucleic acid molecule or a viral vector wherein the nucleic acid molecule or the viral vector directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a), with the proviso that the polypeptide of (b) is not intact HER-2/*neu* protein.

Please amend claim 8 to read as follows:

8. (Twice Amended) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising transfecting antigen presenting cells of a warm-blooded animal *ex vivo* with a nucleic acid molecule and subsequently delivering the transfected cells to the animal in an amount effective to elicit or enhance said response, wherein the nucleic acid molecule directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a), with the proviso that the polypeptide of (b) is not intact HER-2/*neu* protein.

Please amend claim 9 read as follows:

9. (Twice Amended) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising infecting antigen presenting cells of a warm-blooded animal *ex vivo* with a viral vector and subsequently delivering the infected cells to the animal in an amount effective to elicit or enhance said response, wherein the viral vector directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a), with the proviso that the polypeptide of (b) is not intact HER-2/*neu* protein.

## REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claims 7-12 are pending in the subject application. Claims 7, 8 and 9 have been amended to increase the clarity of the claimed invention. More specifically, claims 7, 8 and 9 (and therefore claims 10-12 which depend therefrom) have been amended to confirm that the pending claims are not intended to read on intact (i.e., entire/full length) HER-2/*neu* sequence. Support for the language is found, for example, at page 30, lines 18-24 (particularly lines 18-19 and 24), of the subject application. No new matter has been added to the claims. Therefore, amended claims 7-12 are now pending.

In the Office Action dated June 11, 2002, all the prior rejections were withdrawn. The Examiner is thanked for carefully considering Applicants' prior Reply and Amendment.